



DIRECT DIAL NUMBER:  
(215) 575-7143

James J. Rodgers  
jrodgers@dilworthlaw.com

May 22, 2015

**VIA ECF & FACSIMILE**

Hon. Debra Freeman  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *Harvey H. Jay, M.D., v. Spectrum Brands Holdings, Inc., et al.* 13-cv-8137-LTS

Dear Judge Freeman:

In accordance with Your Honor's Individual Practices, and Local Rule 7.1(d), the parties jointly and respectfully request that Your Honor grant a sixty day extension of time for all remaining case deadlines set forth in Your Honor's Pre-Trial Scheduling Order No. 1 (Dkt. No. 23) and Orders dated April 27, 2015 (Dkt. No. 87) and May 12, 2015 (No Dkt. No. provided). The parties believe good cause for the requested extension exists because the parties require additional time to complete fact discovery. Defendants are in the process of completing their document production, which Plaintiff needs time to review for completeness. The parties are currently in the process of scheduling depositions, but Plaintiff would like to finish its document review prior to taking depositions. Further, Plaintiff requires time to amend the infringement contentions to reflect the Court's recent Claim Construction Order, which will help the parties focus the case.

The information required by Rule A(1)(f) of Your Honor's Individual Practices is as follows:

1. The original date:

- a. Pursuant to Your Honor's Pre-Trial Scheduling Order No. 1, § 2 (c), the original date for non-expert witness discovery is 30 days after the Court's claim construction ruling (Dkt. No. 88 filed May 12, 2015). The original deadline is therefore **June 11, 2015**.
- b. Pursuant to Your Honor's Pre-Trial Scheduling Order No. 1, § 2 (d), the original date for burden of proof expert disclosures is 60 days from the Court's claim construction ruling. The original deadline is therefore **July 13, 2015**.

c. Pursuant to Your Honor's Pre-Trial Scheduling Order No. 1, § 2 (d), the original date for rebuttal expert disclosures is 90 days from the Court's claim construction ruling. The original deadline is therefore **August 10, 2015**.

d. Pursuant to Your Honor's Pre-Trial Scheduling Order No. 1, § 2 (e), the original date for completion of expert witness discovery is 120 days from the Court's claim construction ruling. The original deadline is therefore **September 9, 2015**.

e. Pursuant to Your Honor's Pre-Trial Scheduling Order No. 1, § 5, the original date for the Joint Preliminary Trial Report is 14 days after the completion of fact discovery. The original deadline is therefore **June 25, 2015**.

f. Pursuant to Your Honor's Pre-Trial Scheduling Order No. 1, § 6, the original date for dispositive motions is 150 days after the Court's claim construction ruling. The original deadline is therefore **October 9, 2015**.

g. Pursuant to Your Honor's Pre-Trial Scheduling Order No. 1, § 7, the original date for Daubert motions is no later than 60 days before the date of the final Pre-Trial Conference. The Final Pre-Trial Conference is currently scheduled for December 18, 2015 (Order dated May 12, 2015 (No Dkt. No. attached)). The original deadline is therefore **October 19, 2015**.

h. Pursuant to Your Honor's Pre-Trial Scheduling Order No. 1, § 7, the original date for other motions, including but not limited to non-Daubert motions in limine relating to evidentiary issues, is no later than 30 days before the date of the Final Pre-Trial Conference. The Final Pre-Trial Conference is currently scheduled for December 18, 2015. The original deadline is therefore **November 18, 2015**.

i. Pursuant to Your Honor's Pre-Trial Scheduling Order No. 1, § 8, the original date for the Joint Final Trial Report is 28 days before the Final Pre-Trial Conference. The Final Pre-Trial Conference is currently scheduled for **December 18, 2015**. The original deadline is therefore November 24, 2015.

j. Pursuant to the Order dated May 12, 2015 (No Dkt. No. attached), the Final Pre-Trial Conference is scheduled for **December 18, 2015**.

2. The number of previous requests for extension:

The parties previously requested an extension of some of these deadlines (Dkt. No. 86).

3. Whether these requests were granted or denied:

The Court granted the requested extensions in part (Dkt. No. 87).

4. Whether the adversary consents:

Counsel for the Defendants consents to the requested extension of time and jointly submits this letter motion for Your Honor's consideration.

Respectfully submitted,

Dated: May 22, 2015

DILWORTH PAXSON LLP

By: /s/ James J. Rodgers  
James J. Rodgers

1500 Market Street, Suite 3500E  
Philadelphia, PA 19102  
(215) 575-7143 (telephone)  
(215) 575-7200 (facsimile)  
jrodgers@dilworthlaw.com

*Attorneys for Plaintiff*

WILMER CUTLER PICKERING HALE AND DORR LLP

By: /s/ Wayne Stoner  
Wayne Stoner

7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
(617) 526-6863 (telephone)  
(617) 526-5000 (facsimile)  
wayne.stoner@wilmerhale.com

*Attorneys for Defendants*

cc: All counsel (via ECF)